

Brentwood Planning Board

Minutes –April 16, 2015

Members Present: Bruce Stevens, Chairman Kevin Johnston
 Steve Hamilton Mark Kennedy
 Jane Byrne, BOS rep Glenn Greenwood, Circuit Rider Planner

7:00 open

Minutes – Mail – Board Business

Chairman Stevens opened the meeting at 7:00 pm.

Gary Garfield and John McRobbie from Ae Com Engineers were present to update the Board on the clean-up of the M & T site, and provided a report (on file) of the process narrative for RAS-Tech Operations. Brentwood Fire Inspector Jon True was also present and told members this reports explains what the processes are and how they work. He said from a fire safety standpoint, he said they have come up with a plan, and he feels they can re-open now. Their intention is to do that tomorrow morning and begin accepting material, based on the Planning Board restrictions, meaning the material stays within the canopy. True said in doing that they will be able to reduce the material, saying they have both a short term and a long term plan to present. He said M & T has committed to having a fire watch from the time the shift starts to the end of the shift and until everything cools down. True will be inspecting this. He said the engineers did very well putting together the report, are going in the right direction and he recommends allowing them to reopen.

Motion made by Byrne, 2nd by Hamilton to allow them to open, based on Trues' recommendation: all were in favor.

Garfield said a substantial amount of work has been done at the site and McRobbie provide before and after photos (on file) of the clean-up efforts. McRobbie said they are aware of setback violations and blocked fire apparatus access, and are trying to clean up the yard with the three companies there and develop a maintenance plan for the yard. They explained the proposed use of Jersey barriers to define the storage areas. Byrne said that a facilities manager could take care of this all the time, that this has been an ongoing problem over the years. Stevens said a bond will be required to insure the clean-up.

Garfield said they have removed 330 ton of material off site, and will continue through May. He provided a plan that shows a combination of what is out there now and where it is going to go. They are looking at this as a 3 month operation plan, and after the three months, or close to that, they will come back to talk about a long term plan that will have specific bunkers, etc. Stevens said this would be an official amended plan and Garfield agreed.

Garfield said that they hope to have all the material shown in green on their plan consolidated in one big pile, and will mobilize a Trommel (screening) by June 1st. He said they have about 30 weeks of processing on site, and said they need to bring in material for revenue. Garfield said there are also small pieces of cellophane that come off the shingles, and they want to put up a net along a portion of the site to capture the fine material. Garfield asked to come back and update the Board on May 21 at 7:00 and members agreed. Garfield and McRobbie thanked the Board for their time this evening.

Several residents from Mill Pond Crossing (an over 55 community) were present, and Sally Hawko, president of the HOA spoke with the Board this evening. Hawko said they are looking for guidance and support regarding a list of items at the site that were not disclosed to them back in August 2012 when the residents took over the HOA from the developer, Symes Associates. Members received a 6 page letter detailing the residents' concerns. The list separates what they believe are Selectmen issues and Planning Board issues and Stevens said the Board should talk about what is of the Boards' jurisdiction (PB portion). He also said they have copies of the site walk of Mill Pond Crossing from May 3, 2014, that detailed the discussion and what needed to be taken care of at the site. Hawko said a lot of what they presented tonight has come up since the site walk. Stevens said there has been a lot of activity since the walk that has been witnessed by the PB fire consultant and he understands that the HOA also has an engineer on site during the work on the hydrant and fire pond. Hawko provided photos of a portion of the road that they believe need repair by the

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developer. Stevens said the PB is still holding a bond and they have their list from the May 3 meeting. Hawko asked the PB to consider how much money the HOA has had to put out for repairs and Stevens said the PB's purview is the roadway and fire protection system (pond, hydrant). Hawko said the photos of the road damage are where the heavy equipment was parked during work on the pond and hydrant, and Stevens said that would be taken care of. Hawko is concerned that they will just patch this, and Stevens said there are appropriate ways and the town's professional highway engineer will not release the bond until he feels it is satisfactorily repaired.

Stevens went down the list Hawko provided and said that the septic system and pump house power failure are not in the purview of the PB, and Hawko said they will be addressing that with the Gove Group Real Estate.

The dry hydrant and fire pond are part of the ongoing process that is still being worked on, and is part of the bond that is being held. True said they are waiting for the final connection and then they will do a flow test, then a pressure test. Stevens said the town engineer will look at the road again.

The septic forced main line being blocked has nothing to do with the PB, and Stevens said that is something between the HOA and the developer. Hawko said this cost a lot of money to repair and asked if there was a way for those monies to come back to the HOA from the bond. Stevens said they cannot do that; the bonding is dedicated for certain issues, and they can't legally use it. Stevens said the septic systems are not part of the infrastructure and the systems are approved by the State of New Hampshire and inspected by them.

Stevens said the overgrown brush by the fire pond are maintenance issues that the HOA is responsible for, and Hawko said that is correct. She said that they are listing these, hoping that in the future if other developments come in that they don't go through what this HOA is going through. Stevens said the abandoned well and water heater issues have nothing to do with the Planning Board.

Stevens said the PB can advise them at the next site walk to be held and Hawko said, if he understands correctly, there is absolutely nothing the Planning Board can do to help Mill Pond Crossing with any of these issues. Byrne, saying she was speaking for herself, said that if the developer hasn't completed or repaired, or reimbursed them for the issues that were clearly their responsibility, she wouldn't vote to release the bond. Stevens said that he would take the opposite step and would vote to release the bond if all of the issues covered and protected by the bond are complete, he would personally sign to release. He said the PB cannot hold money for things that are not part of that bonding process. Hawko said "that's okay, they will take a reduction in their taxes". A resident said the PB could help the people who pay taxes in town to convince the developer to pay what is required, for that they have paid into these things. Stevens said that while the PB would like to help, the statute doesn't allow it.

Hawko said what they need from the Planning Board is a written response to say that while the PB appreciates what they have gone through, that "once the inspectors agree that the bond has been fully met, has been satisfactorily met, there is nothing that the Planning Board can do to assist us in resolving our situation. May I have that in writing, please". Stevens said that how the process works is, the PB will have an inspection of the property again, and the bond issues will be reviewed, and the ones that are complete, the PB will release that money. Stevens said that the vote of the Board to release that bond will be her answer. Hawko asked for a personal letter. Hamilton said there is an Excel sheet that lists the items with a dollar value, and the PB area only pertains to what is on that spreadsheet. He said of this list, there are only perhaps two or three that the PB has responsibility for. He said that while the PB is sympathetic to them, legally the Board is only responsible for those items on the bond. Mr. Elliot said he wanted to tell the PB what happened so that they would know: Elliot said he went to the Selectmen's meeting with members of the HOA, "with all the ammunition they had, the case against everyone", in his binder. He said he sat at the table and the selectmen, police chief and building inspector were there, and then said "lo and behold, what do you think happened?" He said, with expletives, that "all the fairies came in and all my paperwork is gone and no one knows where it is". Hawko said the binder disappeared with all the paperwork, their documentation. Kennedy asked if he was saying that the police, selectmen or building inspector took it, and Elliot said he is not saying that because maybe the fairies came. He is not

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saying they took it, but where is it? Hamilton wanted to clarify that he sat the table with his binder and all the information. Hamilton said Elliot is implying that someone from the town stole it, and Elliot said he is not implying that. Hawko said they realized it was missing later that evening, after they left the meeting, and Elliot asked the town administrator the next morning if it was here. Hamilton said Elliot lost his binder and he is thinking it is someone here who stole it. Elliot said, he didn't know, maybe they have people who come in here at night.

St. Hilaire said there was no binder or paperwork left in the meeting room when she came to work at 7 am the next morning, and said that the building and recycle bins were checked after he called in the am and found nothing that belonged to Elliot. She said she was offended that he brought it up tonight, and a resident said she is offended that it's gone. St. Hilaire will ask the town administrator to have the video of that Selectmen's meeting viewed if it is available, on Monday. Byrne asked if they asked the residents who were in attendance that evening if they knew where it was and Elliot said they asked everybody. Hamilton told Elliot he would like to know what happened to it when Elliot finds out. Elliot said if they got it on film, he will be glad to tell him, and said "But I bet you my house it won't be on film". He went on to say he has "for 58 years he worked all over the world and is pretty good with slight of hand". Hamilton said Elliot was accusing people of stealing his binder, and Elliot said he was not.

Stevens said they will have the official document, which is the bond agreement, and will make copies if they want. Stevens said they could write a statement that all of the bond issues will be addressed, and Hawko said she would like that. Stevens said the PB has not changed any agreement that they've had, and Hawko said they didn't expect that. She said they are trying to do what they can, that they (the HOA) would not be doing their duty to the homeowners if they didn't follow everything they could.

Hawko thanked the Board for their time.

Members signed the affidavit for Nordins, LLC.

Members will sign the contract for Truslow Resources for the Source Water Protection Grant as soon as the grant is finalized by the state and returned to the town.

Motion made by Byrne, 2nd by Hamilton to approve the April 2 minutes with the following addendum: on page 3 at the end of the 4th paragraph, after *plan* insert *that was reviewed by the Board* all were in favor.

Motion to adjourn at 8:35pm made by Hamilton, 2nd by Byrne: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,

Administrative Assistant, Planning Board